

**DECISION****THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE:

DATE:

JUL 9 1976

MATTER OF: **B-186056****Steven A. Leff - Parking Fees**6110↓  
98322**DIGEST:**

Incident to temporary duty travel employee of Customs Service drove from his home to Los Angeles (LA) Airport and used LA Airport's parking facilities instead of the cheaper "VSP" lot further from the airport. Customs used to reimburse employees for higher cost parking but Customs informally changed policy. Employee is entitled to reimbursement for higher cost lot (within limits of paragraph 1-4.2c(3) of FTR) since in absence of clear written or oral instructions to employee of policy change prior to his incurring costs, it was reasonable for him to rely on past agency practice.

This matter involves a request for an advance decision from Mr. Peter F. Gonzalez, Director, Financial Management Division, United States Customs Service, as to whether Mr. Steven A. Leff, an employee of the Customs Service may be reimbursed certain parking fees incurred incident to temporary duty travel he performed.

The record shows that Mr. Leff's official duty station is Los Angeles, California. On four occasions in the last 3 months of 1975, Mr. Leff performed temporary duty travel to Chicago, Illinois, San Diego, California, and Washington, D.C. Incident to this travel Mr. Leff flew out of and back to Los Angeles Airport.

At the start of each trip Mr. Leff departed from his home in Hacienda Heights, California, by privately owned automobile and drove to Los Angeles Airport 40 miles away. Mr. Leff then parked his car within the airport parking facilities rather than at a low cost "VSP" parking lot which Mr. Gonzalez states is 10 minutes by bus from the terminal buildings. Mr. Leff claimed a total of \$84.25 for parking at the airport facilities but the difference between the cost of parking at the lower cost "VSP" lot, \$31.25, and the cost of the airport facilities where he actually parked, was disallowed.

Mr. Leff insists that the higher cost parking is properly reimbursable. He states that the reason he did not use the "VSP" lot was that his schedule did not allow him sufficient time to go to the "VSP" lot and arrive at the terminal in time to make his flight. Moreover, he argues that the Customs Service had no written policy requiring Customs personnel to utilize the lower cost "VSP" parking when flying out of the Los Angeles Airport.

Mr. Gonzalez contends that paragraph 1-1.3a of the Federal Travel Regulations and decision 31 Comp. Gen. 278 (1952) require a traveler to "exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business." In this connection he states:

"The VSP parking lot provides free bus transportation to all airline terminals. The bus is available every 10 minutes, and it takes approximately 10 minutes to reach the terminals."

Accordingly, Mr. Gonzalez believes that the prudent traveler would have left home early enough to take advantage of the lower cost "VSP" parking.

The authority to reimburse an employee parking fees is stated in pertinent part at paragraph 1-4.2c(3) of the Federal Travel Regulations as follows:

"(3) Parking when automobile is left at terminal. The fee for parking an automobile at a common carrier terminal or other parking area while the traveler is away from his official station shall be allowed only to the extent that the fee plus the allowable reimbursement to and from the terminal or other parking area does not exceed the estimated cost for use of a taxicab to and from the terminal under the provisions of 1-2.3c."

We have been informally advised that in the past, it was the practice of the Customs Service to reimburse employees for parking fees incurred at the higher cost airport parking facilities.

B-186056

However, around the time that Mr. Leff performed the above travel the Customs Service changed this policy so that only lower cost parking would henceforth be reimbursed. This change was stimulated by the Customs Service's reexamination of its reimbursement practices and its belief that such a policy was required by the prudent person rule stated above. This policy change was not written and Mr. Leff states he was not informed of the change until after he had incurred the above expenses.

Accordingly, in the absence of clear written or oral instructions to Mr. Leff that past policy had been changed concerning the reimbursement of parking fees at the higher cost airport parking facilities and since it was reasonable for him to rely on past agency practices, we find that Mr. Leff did not act imprudently in parking at the higher cost facilities. The full cost of Mr. Leff's parking fees for each of the four trips may be paid so long as his mileage allowance to and from the terminal and the respective parking fee does not exceed the estimated cost for use of a taxicab to and from the terminal under the provisions of paragraph 1-2.3c of the Federal Travel Regulations.

Paul G. Dembling

FOI

Comptroller General  
of the United States